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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/546,191	04/10/2000	Kazunori Hashimoto	Q58786	2985

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EXAMINER

HOYE, MICHAEL W

ART UNIT	PAPER NUMBER
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2614

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DATE MAILED: 03/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/546,191

Applicant(s)

HASHIMOTO, KAZUNORI

Examiner

Michael W. Hoyer

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 May 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 14 in Fig. <sup>5 typ</sup>6. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Specification*

2. The disclosure is objected to because of the following informalities: on pg. 11, line 22, the analog head end is incorrectly referred to as reference number "11". In addition, the terminology used throughout the specification, "area code every area" is unclear.

Appropriate correction is required.

### *Claim Objections*

3. Claims 1 and 4 are objected to because of the following informalities: the wording in claim 1, lines 5-6 and claim 4, line 9, stating, "an area code every area", and in claim 1, line 13 and claim 4, line 10, the wording, "indicated every area" is unclear. Appropriate correction is required.

4. Claim 3 is objected to because of the following informalities: the word "electric" in line 1 of pg. 16 should be --electronic--. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Eyer et al (USPN 6,160,545), cited by the examiner.

As to claim 1, note the Eyer et al reference which discloses a CATV conditional access system. The claimed digital head end for transmitting picture signals of digital programs to terminals provided in a plurality of areas is met by either of the multiplexer, modulator and encoder systems 100 or 140 (see Figs. 1 & 2, and col. 5, lines 45-53; col. 5, line 62 – col. 6, line 6; col. 6, lines 17-24; lines 32-35; col. 7, lines 1-2 & 65-67; col. 2, lines 30-31; and col. 5, lines 14-15). The claimed digital head end transmits both an area code and program data to the terminals employed in the plurality of areas is met by the packet stream that is transmitted from the headend to the set top boxes (STB) or integrated receiver decoders (IRD) 130 which includes region identifying data and Interactive Program Guide (IPG) data or program data (see Figs. 1-4 and col. 8, lines 43-52). The claimed said area code being used to recognize such an area to which each of the terminals belongs is met by col. 8, lines 53-59. The claimed digital programs of not-yet-provided services in the respective areas being indicated to every area in said program data is met by the data received for programs services which are not defined or available to the

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receiver (col. 9, lines 24-29). The claimed each of the terminals identifies said area code with said program data so as to exclude a picture signal of a digital program of a not-yet-provided service in such an area to which the terminal belongs, from the picture signals of the digital programs transmitted from said digital head end is met by the IRD or terminal performs filtering to determine which portion of the programming services is needed, the data and services for the areas to which the terminal is not assigned is ignored or discarded (col. 6, lines 59-64).

As to claim 2, the claimed said terminal identifies said area code with said program data so as not to display a picture of a relevant digital program by not demultiplexing a multiplexed picture signal of said relevant digital program among a plurality of multiplexed digital picture signals is met by the IRD 130 (or terminal) performs filtering to determine which portions of the IPG (or EPG) data, programming service, and channel map is needed. The region and other data received from the headend for regions or areas other than the specific region to which the IRD or terminal is assigned and/or programming service that are not available to the IRD are ignored or discarded by the terminal. Based on the filtering of the IRD, the terminal will inherently not demultiplex a multiplexed picture signal of a digital program that is not applicable to the services provided in a region or area code (col. 6, lines 40-64; col. 8, lines 43-50; col. 9, lines 14-16 & 22-29; and col. 10, lines 54-56).

As to claim 3, the claimed said terminal identifies said area code with said program data so as to exclude electronic program guide (EPG) information related to the digital program of the not-yet-provided service from EPG information transmitted from said digital head end is met by the IRD 130 or terminal performs filtering to determine which portions of the IPG or EPG are needed. The IPG data received from the headend for regions or areas other than the specific

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region to which the IRD or terminal is assigned are ignored or discarded by the terminal (col. 6, lines 59-64; col. 8, lines 43-50; col. 9, lines 14-16 & 22-29; and col. 10, lines 54-56).

As to claim 4, note the Eyer et al reference which discloses a CATV conditional access method. The claimed step of providing a digital head end for transmitting picture signals of digital programs to terminals provided in a plurality of areas is met by either of the multiplexer, modulator and encoder systems 100 or 140 (see Figs. 1 & 2, and col. 5, lines 45-53; col. 5, line 62 – col. 6, line 6; col. 6, lines 17-24; lines 32-35; col. 7, lines 1-2 & 65-67; col. 2, lines 30-31; and col. 5, lines 14-15). The claimed step of transmitting both an area code and program data to the terminals employed in the plurality of areas is met by the packet stream that is transmitted from the headend to the set top boxes (STB) or integrated receiver decoders (IRD) 130 which includes region identifying data and Interactive Program Guide (IPG) data or program data (see Figs. 1-4 and col. 8, lines 43-52). The claimed said area code being used to recognize such an area to which each of the terminals belongs is met by col. 8, lines 53-59. The claimed digital programs of not-yet-provided services in the respective areas being indicated to every area in said program data is met by the data received for programs services which are not defined or available to the receiver (col. 9, lines 24-29). The claimed step of identifying said area code with said program data so as to exclude a picture signal of a digital program of a not-yet-provided service in such an area to which the terminal belongs, from the picture signals of the digital programs transmitted from said digital head end is met by the IRD or terminal performs filtering to determine which portion of the programming services is needed, the data and services for the areas to which the terminal is not assigned is ignored or discarded (col. 6, lines 59-64).

*Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Eyer et al (USPN 5,982,411) – Discloses an apparatus and method for a set top terminal with virtual channel designations according to how the services are arranged for the terminal.

Hendricks et al (USPN 5,990,927) – Discloses a cable television delivery system with a headend or operations center with regional headends and a plurality of set top box terminals.

Hendricks et al (USPN 5,659,350) – Discloses a cable television delivery system with a headend or operations center with regional headends and a plurality of set top box terminals.

Safadi et al (USPN 6,256,393) – Discloses a method for providing authorization and access control to a set top terminal, and an entitlement management message containing the access rights given to a particular set top terminal.

Wasilewski et al (USPN 6,157,719) – Discloses a cable television conditional access system including a headend from which programs are broadcast to a plurality of set top units.

Wasilewski et al (USPN 5,600,378) – Discloses a cable television system with channel mapping in a MPEG-2 network.

Wasilewski et al (US 2002/0094084) – Discloses methods and apparatus for providing conditional access to set top box units.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael W. Hoyer whose telephone number is (703) 305-6954. The examiner can normally be reached on Monday to Friday from 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at (703) 305-4795.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231


**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Michael W. Hoyer  
March 13, 2003

  
JOHN MILLER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600